

## COOMBS v. JORDAN.

In a creditor's suit the purchaser may be directed to pay a creditor out of the unpaid purchase money.—The administrator of a deceased trustee ordered to bring into court the bonds given by the purchaser, with the purchase money which had been collected, and also to account.—The administrator and heir of a deceased purchaser ordered to pay the purchase money.—The estate ordered to be re-sold to pay the balance of the purchase money.

The origin and nature of a judicial lien which fastens upon all the real estate then held, or thereafter acquired by the defendant from the date of the judgment.—In the case of an obligee against the heir of the obligor, in respect of real assets descended, the lien attaches upon such assets from the day the suit was commenced.—Lands in Maryland were, in some cases, liable to be taken in execution and sold for debt before the year 1732.

The adoption of the British statute of 1732, making lands liable to be taken in execution and sold for debt; and its construction considered.—What is to be considered as real estate upon which a judicial lien will fasten.—To what kind of real estate, in reference to its tenure, a judicial lien will attach.—An equitable as well as a legal interest in land may be taken in execution and sold for debt.

A judicial lien on land is, here, a consequence of a decree in equity as well as of a judgment at law.—A judicial lien, when barred by lapse of time, cannot be revived so as to have a retrospective effect prejudicial to the rights of others.—Where a judgment has abated by death, during the continuance of the lien, the plaintiff, or his representative, may come in, under a creditor's suit, as a judgment creditor, without reviving at law.

A purchaser under a decree is not bound to see to the application of the purchase money.—The tacking of one claim to another is never allowed to the prejudice of others.

THIS was a bill filed on the 18th of July, 1809, by *Samuel Coombs*, in behalf of himself and the other creditors of *Richard Jordan*, deceased, against *Richard Jordan*, *Ann Jordan*, and *James Cook*. The bill states, that *Richard Jordan*, deceased, at the time of his death, was indebted to the plaintiff by judgment in the sum of £45 15s. 9½d.; and died intestate possessed of a large personal estate, and seised in fee simple of a large tract of land called *Brambly*, leaving the infant defendants *Richard* and *Ann*, his only children and heirs; that the defendant *Cook*, took out letters of administration upon the personal estate of the intestate, and paid to the plaintiff \$67, in part satisfaction of his claim, but declined paying any more; alleging, that there were other creditors of the intestate; and that there were not assets sufficient to pay the plaintiff a greater proportion of his claim. Whereupon it was prayed, that, in case the personal estate of the deceased should be insufficient, his real estate might be sold to pay his debts; and that the plaintiff might have such other and further relief as the nature of his case might require.